

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SIMNACHER, Larry W.

SERIAL NO.: 10/717,534

ART UNIT: 3654

FILED: November 20, 2003

EXAMINER: Kruer, S.

TITLE: LIFTING MECHANISM FOR A STORAGE DEVICE ON THE BED OF A PICKUP TRUCK

AMENDMENT "B"

Director of the U.S. Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of June 13, 2006, a response being due by September 13, 2006, please enter the present amendments and consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 21 - 37 have been canceled and new Claims 38 - 44 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

In the Office Action, it was indicated that Claims 21 - 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Simnacher patent in view of the Anibas patent. Claims 30 - 37 were withdrawn from further consideration as being drawn to a non-elected invention. Claim 21 was objected-to because of some minor informalities. Importantly, it was indicated that Claims 27 and 29 were "objected to" as being dependent upon a rejected base claim, but would be allowable

if rewritten in independent form including all of the limitations of the base and any intervening claims.

Although Applicant respectfully disagrees with the prior art rejections, Applicant is desirous of securing patent protection for the present invention at an early date. As such, Applicant has placed those "objected to" claims into a proper independent form so as to place the application into a proper condition for allowance.

Relative to the formality objections with respect to independent Claim 21, Applicant has incorporated the limitations of previous dependent Claim 22 therein so that the "axle", the "first scissors" and the "second scissors" are positively recited. As such, each of the elements of independent Claim 38 find proper antecedent basis therein. Independent Claim 38 incorporates the limitations of previous independent Claim 21, along with the limitations of objected-to Claim 27. As such, Claim 38 should now be in a proper condition for allowance.

Dependent Claims 39 - 42 correspond, respectively, to the limitations of previous dependent Claims 23 - 26. Dependent Claims 43 and 44 correspond, respectively, to the limitations of previous dependent Claims 28 and 29. Each of the dependent Claims 39 - 44 will depend from new independent Claim 38.

Based upon the foregoing analysis, Applicant contends that independent Claim 38 is now in proper condition for allowance. Additionally, those claims which are dependent upon independent

Claim 38 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new independent claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

7.25.01

Date

  
John S. Egbert  
Reg. No. 30,627  
Andrew W. Chu  
Reg. No. 46,625  
Attorney for Applicant  
Egbert Law Offices  
412 Main Street, 7th Floor  
Houston, Texas 77002  
(713)224-8080  
(713)223-4873 fax



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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents  
Portion. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

AMENDMENT "B"

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
Portion. O. Box 1450  
Alexandria, VA 22313-1450

on **JUL 25 2006**

Respectfully submitted,

**JUL 25 2006**

John S. Egbert  
Reg. No. 30,627  
Attorney for Applicant  
Egbert Law Offices  
412 Main Street, 7th Floor  
Houston, Texas 77002  
(713)224-8080

Date